

PAGE 1/5 \* RCVD AT 3/15/2006 5:32:27 PM (Eastern Standard Time) \* SVR:USPTO-EFXRF-5/12 \* DNIS:2738300 \* CSID:2147398284 \* DURATION (mm:ss):00:54<sup>02</sup>

Mar. 15. 2006 5:41PM.

**MAR 15 2006**

No. 8091 P. 2

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)	Docket No. <b>80445-1120</b>
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In Re Application Of: **Craig A. Nickell, et al.**

Application No. <b>10/675,098</b>	Filing Date <b>9/30/03</b>	Examiner <b>Phi Dieu Tran A.</b>	Customer No. <b>38406</b>	Group Art Unit <b>3637</b>	Confirmation No. <b>4812</b>
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Title: **INSECT CONTROL FOR BUILDINGS**

**COMMISSIONER FOR PATENTS:**


Transmitted herewith is:

**Response to Office Action**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0856** as described below.
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Signature

Dated: **3-15-06**

Michael A. O'Neil  
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cc: client

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**MAR 15 2006**

80445-1120

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Craig A. Nickell, et al.

Customer No. 38406

Serial No.: 10/675,098

Confirmation No. 4812

Filing Date: September 30, 2003

Group No.: 3637

Examiner: Phi Dieu Tran A.

For: INSECT CONTROL FOR BUILDINGS

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Commissioner for Patents  
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Sir:

**RESPONSE TO OFFICE ACTION**

The above-identified application has been carefully reconsidered in view of the Office Action dated January 10, 2006. Early and favorable reconsideration and allowance of the application as now presented are respectfully requested.

The Response to Office Action filed November 2, 2005 in response to the first Office Action in the above-captioned patent application is incorporated herein by reference for all purposes. As is pointed out therein, and is tacitly admitted by the Examiner in the Office Action mailed January 10, 2006, Voris et al. printed patent application publication number 2002/0192259 A1 is not available as a reference against the claims of the present application insofar as the incorporation of

fipronil into a vapor barrier is concerned. This is because applicant is entitled to the filing date of application serial number 09/478,907 filed January 7, 2000.

Applicant respectfully submits that Koehler et al. patent number 6,298,597 issued October 9, 2001 is entirely irrelevant to the claims at issue herein. Koehler et al. teaches the use of fipronil in a system designed for subterranean termite control. More specifically, the Koehler et al. device comprises a termite control system kit which functions to cause termites to carry fipronil and/or other insecticides into their living quarters which eventually results in poisoning of the insects.

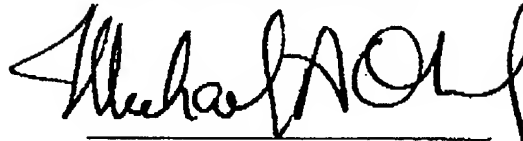
As will therefore be apparent, the Koehler et al. reference relied upon by the Examiner in the Office Action mailed January 10, 2006 is totally irrelevant to the claims at issue herein. Simply put, Koehler et al. has nothing whatsoever to do with the concept of incorporating fipronil into plastic sheeting and then deploying the plastic sheeting having fipronil incorporated therein as a combined vapor barrier and insect barrier.

Therefore, the Koehler et al. reference is not legally combinable with the Voris et al. reference in rejecting the claims at issue.

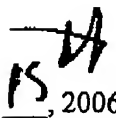
Early and favorable reconsideration and allowance of the application as now presented is therefore respectfully requested.

Respectfully submitted,

MICHAEL A. O'NEIL, P.C.

A handwritten signature in black ink, appearing to read "Michael A. O'Neil", written over a horizontal line.

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